

12-04-00  
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PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137 (b)Docket Number (Optional)  
TB-104IA-US

Inventor named inventor: Jamie M. Grooms

National (PCT) Application No.: PCT/US98/17769

US Application No.: N/A  
(if known)

Filed: 8/27/1998

Title: Cortical Bone Cervical Smith-Robinson Fusion Implant

Attention: PCT Legal Staff  
Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231RECEIVED  
29 DEC 2000  
Legal Staff

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) (as applicable). The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(h) or 1.495(i).

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee — required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

- ☐ Small entity - fee \$620.00 (37 CFR 1.17(m))
- ☐ Small entity statement enclosed herewith.
- ☐ Small entity statement previously filed.
- ☒ Other than small entity - fee \$1,240.00 (37 CFR 1.17(m))

## 2. Proper reply

- A. The proper reply (the missing 35 U.S.C. 371(c) requirements) in the form of  
National Fee, Copy of International Application with Search Report, Amendment and other correspondence (3 total) and  
executed Powers of Attorney\*.

\_\_\_\_\_ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith.

12/01/2000 \*Please note that executed oaths or declarations of the inventors will follow.

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Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

09/701933

PTO/SB/64/PCT (7-99)

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## 3. Terminal disclaimer with disclaimer fee

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- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

\_\_\_\_\_ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63)

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

12-1-2000  
Date

Timothy H. Van Dyke  
Signature

Telephone Number: 407-228-0328  
Fax Number: 407-228-0329

Timothy H. Van Dyke, Reg. No. 43,218  
Typed or printed name

Bencen & Van Dyke, P.A., 1630 Hillcrest Street  
Orlando, Florida 32803  
Address

Enclosures:

☒ Fee Payment☒ Reply

\_\_\_\_ Terminal Disclaimer Form

\_\_\_\_ Small Entity Status Form

\_\_\_\_

I hereby certify that this correspondence is being deposited with the US Post Office with sufficient postage in an Express Mail envelope, with Express Mail no. EK086688195US, addressed to: Assistant Commissioner for Patents Washington, D.C. 20231 on 12-1-2000

Timothy H. Van Dyke  
Timothy H. Van Dyke, Reg. No. 43,218